



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105

November 20, 2012

Mr. Roger Root  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service  
Ventura Fish and Wildlife Office  
2493 Portola Road, Suite B  
Ventura, California 93003

Subject: Final Environmental Impact Statement for the Tehachapi Uplands Multiple Species  
Habitat Conservation Plan, Kern County, California (CEQ#20120335)

Dear Mr. Root:

The U.S. Environmental Protection Agency has reviewed the above-referenced document pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The EPA reviewed the Draft Environmental Impact Statement (DEIS) and Supplemental DEIS and provided comments to the U.S. Fish and Wildlife Service (Service) on July 14, 2009, and May 3, 2012, respectively. We rated both the DEIS and the SDEIS as Environmental Concerns – Insufficient Information (EC-2) due to two main concerns: the potential impacts to waters of the U.S.; and the possible effects of covered activities on the California condor. We recommended that the Service demonstrate avoidance of waters of the U.S. before issuing the incidental take permit, and provide additional information in the Final EIS comparing the effects of the alternatives on the California condor.

Thank you for the detailed responses to our comments. These comments, along with additional information provided in the FEIS, address most of the concerns identified in our reviews of the DEIS and SDEIS. We appreciate the description included on the assumptions used to analyze and compare the potential effects on wetlands from the alternatives. Additionally, we would like to thank the Service for the detailed response to our concerns regarding proposed development in areas that are federally designated as critical habitat for the California condor. We appreciate the new information provided detailing the foraging habitat needs of the California condor within the proposed covered lands. We reiterate our recommendation to consider an alternative that excludes development within designated California condor habitat to greatest possible extent.

Please note that, as of October 1, 2012, EPA Headquarters no longer accepts paper copies or CDs of EISs for official filing purposes. Submissions must be made through the EPA's new electronic EIS submittal tool: *e-NEPA*. To begin using *e-NEPA*, you must first register with the EPA's electronic reporting site - [https://cdx.epa.gov/epa\\_home.asp](https://cdx.epa.gov/epa_home.asp). Electronic submission does not change requirements for distribution of EISs for public review and comment, and lead agencies should still provide one hard copy of each Draft and Final EIS released for public circulation to the EPA Region 9 office in San Francisco (Mail Code: CED-2).

We appreciate the opportunity to review this FEIS. If you have any questions, please contact me at (415) 972-3521, or contact Jason Gerdes, the lead reviewer for this project. Jason can be reached at (415) 947-4221 or [gerdes.jason@epa.gov](mailto:gerdes.jason@epa.gov).

Sincerely,

*Kathleen Martyn Goforth*

*KMG*  
Kathleen Martyn Goforth, Manager  
Environmental Review Office (CED-2)